

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SKYLINE SOFTWARE SYSTEMS, INC.,

Plaintiff,

v.

KEYHOLE, INC., and
GOOGLE INC.

Defendants.

CIVIL ACTION NO. 04-11129 DPW

**DECLARATION OF KENT KEMENY IN SUPPORT OF
DEFENDANT'S OPPOSITION TO SKYLINE'S
MOTION FOR CLARIFICATION OF SCHEDULING ORDER
AND MOTION TO COMPEL**

1. I am an attorney duly licensed to practice in the State of California and am an associate with the law firm of Fenwick & West LLP, attorneys of record for Defendants. I have been admitted *pro hac vice* for this matter. I have personal knowledge of the matters set forth herein, and if called upon to do so, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of the parties' Joint Scheduling Conference Statement, submitted December 15, 2004.

3. Attached hereto as Exhibit B is a true and correct copy of Plaintiff's Answers and Objections to Keyhole's First Set of Interrogatories (Nos. 1-10), served on January 28, 2005, four days after they were due.

4. Attached hereto as Exhibit C is a true and correct copy of Plaintiff's Response to

Keyhole's First Set of Requests for Production, served on January 28, 2005, four days after they were due.

5. Attached hereto as Exhibit D is a true and correct copy of a transcription of the voicemail message left by Joe Hameline, counsel for Plaintiff, with Kent Kemeny, counsel for Defendants, on January 26, 2005, regarding the tardiness of Plaintiff's Discovery Responses.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 7, 2005

/s/ Kent Kemeny
Kent Kemeny

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